



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-110	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance from Side Yard Setback	Planning Commission Date	August 13, 2013	
Deadline for Action	Application Date	July 22, 2013	60 Days	September 20, 2013
	Date Extension Letter Mailed	July 23, 2013	120 Days	November 19, 2013
Location of Subject	1010 E 6th St.			
Applicant	Marliss Westenfield	Contact	(763) 574 7525	
Agent	Bonnie Roth	Contact	(218) 727 4505	
Legal Description	010 3850 00340			
Site Visit Date	August 2, 2013	Sign Notice Date	July 29, 2013	
Neighbor Letter Date	July 30, 2013	Number of Letters Sent	70	

Proposal

Applicant is seeking a variance in order to replace the existing fire escape stairway at the back of a two story duplex with a basement walkout in the back. The requested variance is for 3.5 feet from the East property line and 1.5 feet from the West property line; the required side yard setback is 6 feet.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Side yard setback is 6 feet.

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

1-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant would like to replace the old fire escape stairway at the rear of the home. A fire escape is required for this property, as a condition of the rental license. The proposed new fire escape would not come any closer to the side yard setbacks than the existing fire escape. The applicant is in the process of applying for a building permit, but because the structure is in the side yard setbacks, a variance is required.
- 2) The home was built in 1908. The lot is 25 feet wide. Because of modern building code requirements, the applicant is having difficulty meeting structural/design requirements of the building and fire code, while still staying outside the side yard setbacks.
- 3) The need for relief is not due to circumstances created by the homeowner, as this house was built prior to the zoning setbacks.
- 4) The proposed addition allows the property to be used in a reasonable manner, and continued use of this property as a single-family home (rental) is consistent with the Comprehensive Land Use Plan.
- 5) The proposed addition will not impair supply of light or air to adjacent properties, or increase congestion on public streets, or diminish property values. It will not alter the essential character of the surrounding area. It will not increase the existing density of housing units in the neighborhood
- 6) No City, public, or agency comments were received.
- 7) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff finds that the standard for side yard variance of 1.5 (west lot line) and 3.5 feet (east lot line) has been met and, therefore, recommends the Planning Commission approve the requested variance, subject to the following conditions:

- 1) Applicant construct the project in accordance with project area identified on the certificate of survey submitted and dated July 22, 2013.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

J-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

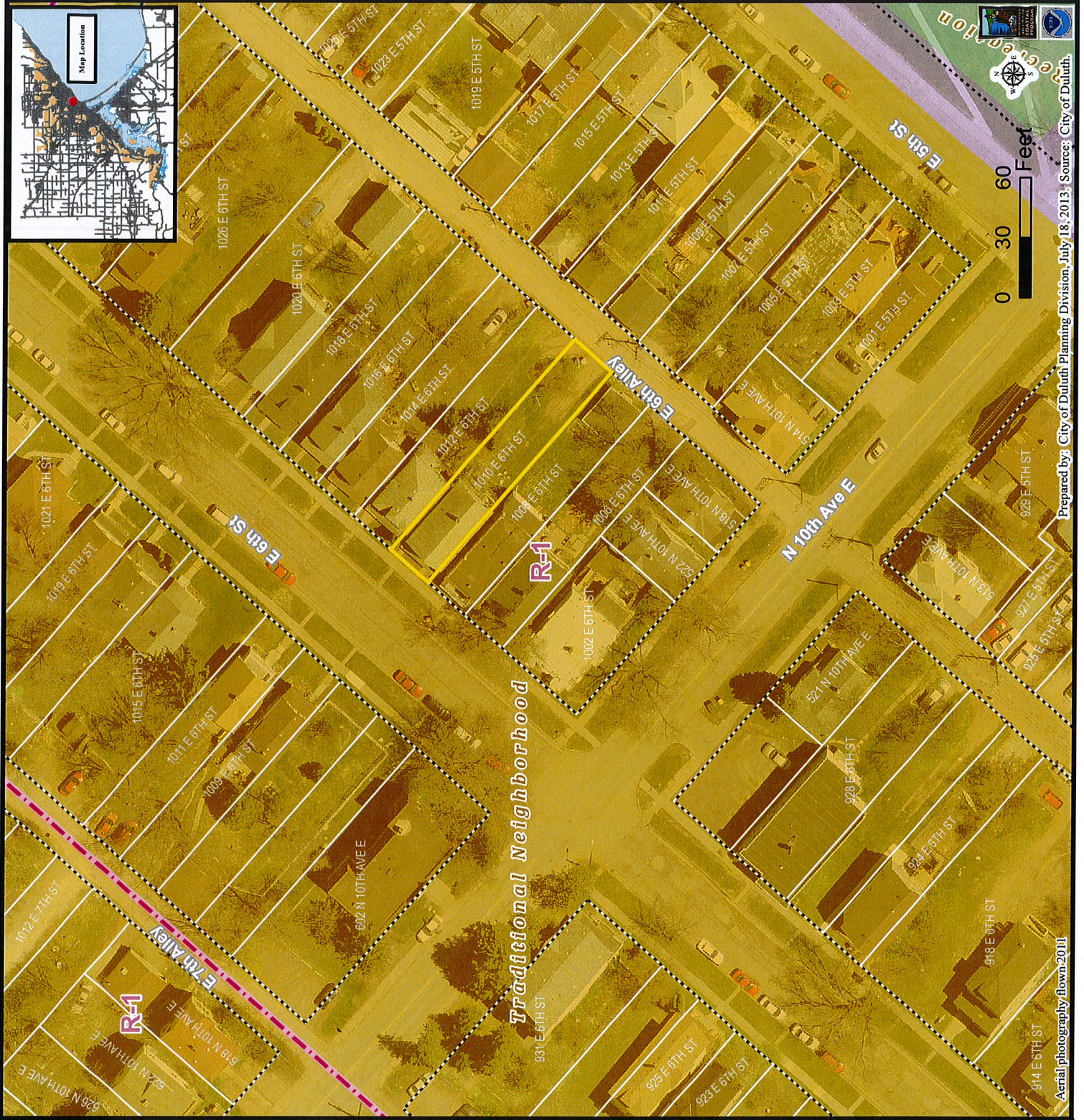


City Planning
PL 13-110
Variance
1010 East 6th Street

Legend

- Right-of-Way Type**
- Road or Alley ROW
 - Vacated ROW
- Easement Type**
- Utility Easement
 - Other Easement
 - Zoning (Final)
- Future Land Use**
- Preservation
 - Recreation
 - Rural Residential
 - Low-density Neighborhood
 - Traditional Neighborhood
 - Urban Residential
 - Neighborhood Commercial
 - Neighborhood Mixed Use
 - General Mixed Use
 - Central Business Secondary
 - Central Business Primary
 - Auto Oriented Commercial
 - Large-scale Commercial
 - Business Park
 - Tourism/Entertainment District
 - Medical District
 - Institutional
 - Commercial Waterfront
 - Industrial Waterfront
 - Light Industrial
 - General Industrial
 - Transportation and Utilities

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



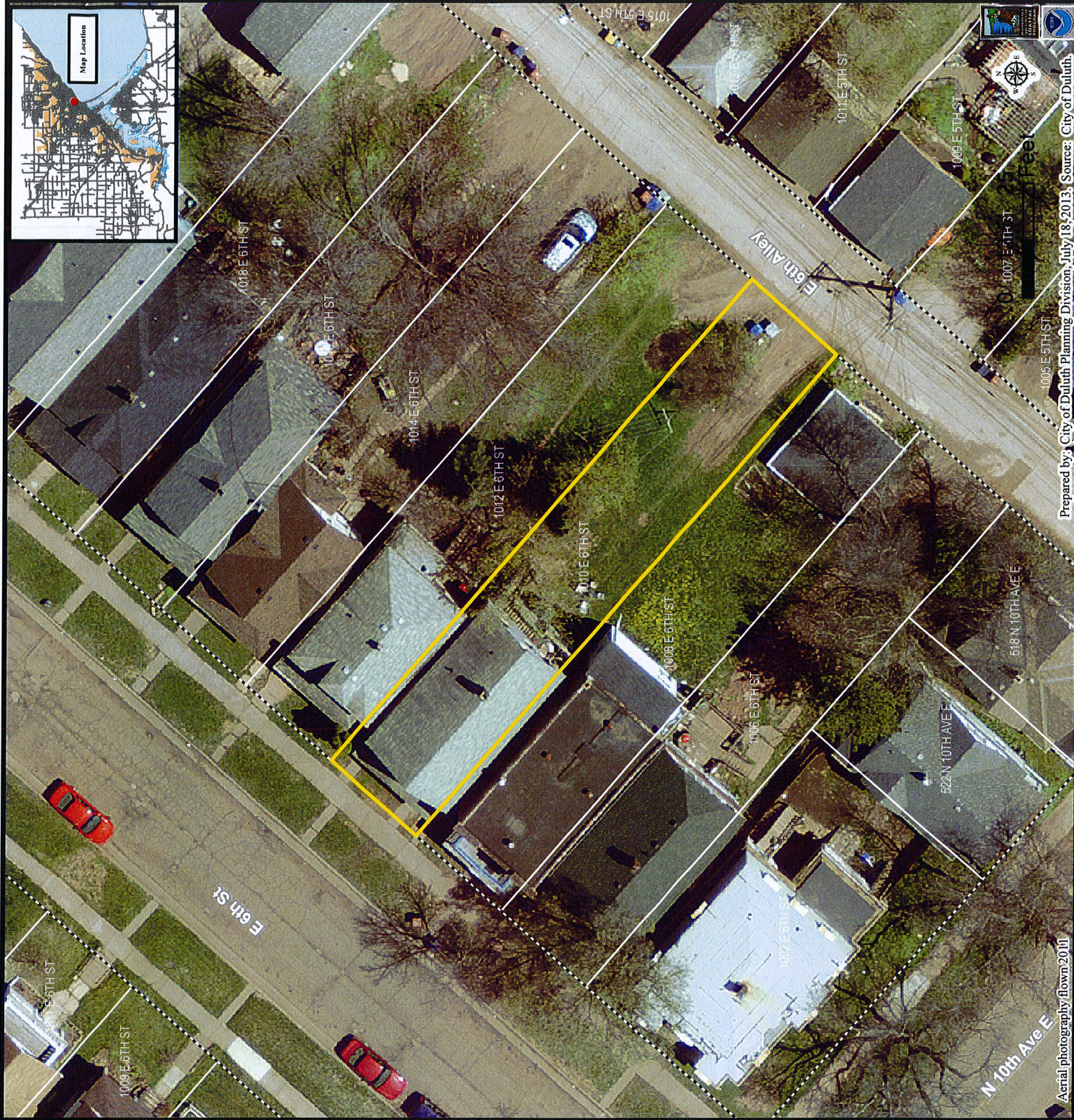
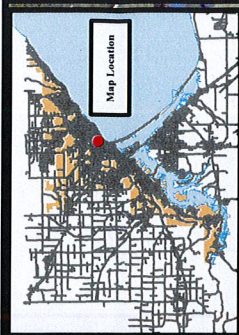


City Planning

PL 13-110

Variance

1010 East 6th Street



Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, July 18, 2013. Source: City of Duluth.

Legend

Right-of-Way Type

..... Road or Alley ROW

..... Vacated ROW

Easement Type

Utility Easement

Other Easement

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5-4

Property: 1010 E 6th Street
Applicant/Owner: Marliss Westenfield

Need establishing practical difficulty

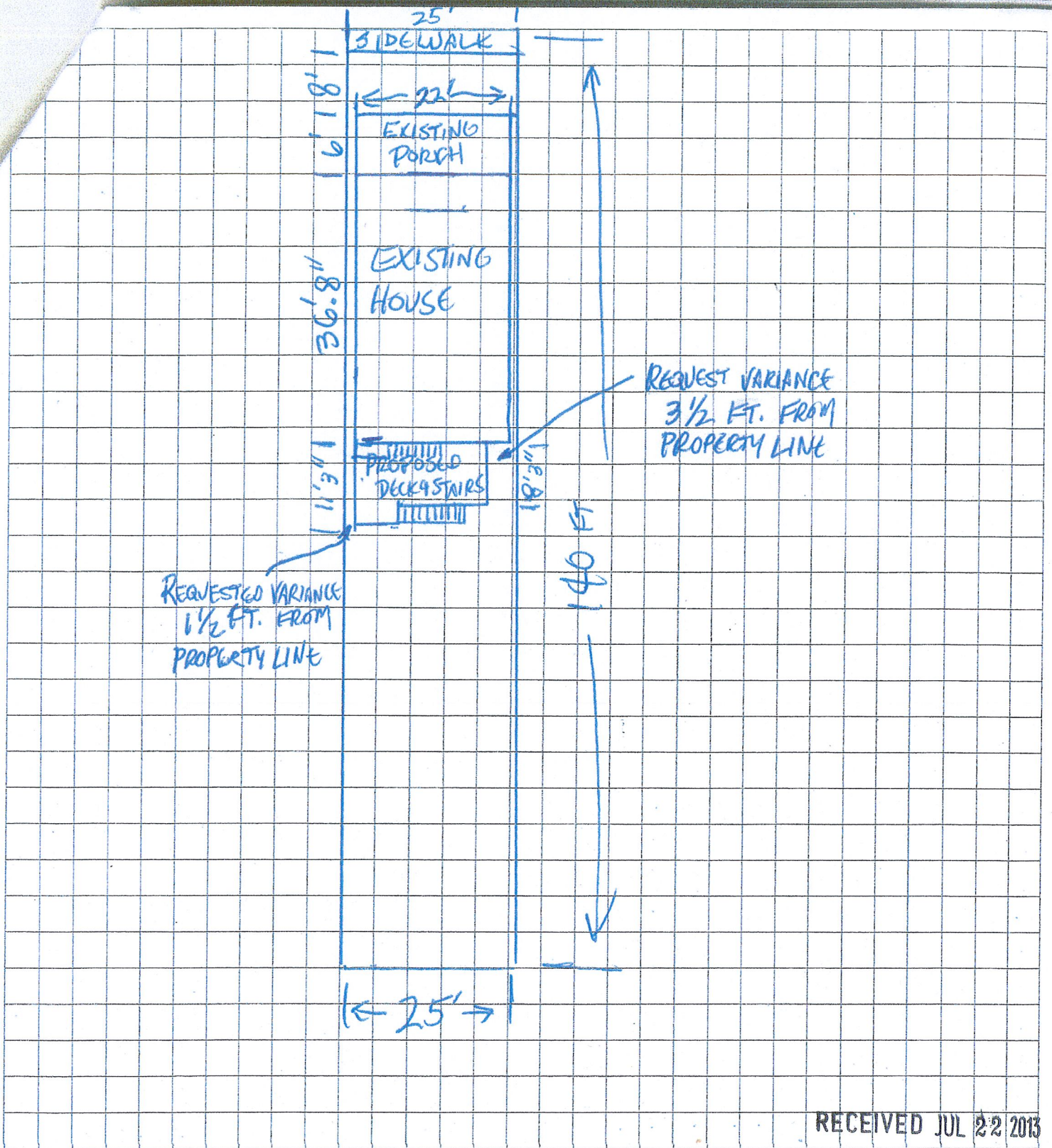
Need to replace the existing fire escape stairway at the back of the two story duplex with a basement walkout in the back. This requires that both the second and first floor occupants need a stairway. This replacement, due to the condition of boards connecting to the building and conditions of stairway boards, was requested by the building inspector.

The location of the 2nd floor door requires the 2nd floor landing to extend to the west edge of the building. The stairs coming down from the 2nd floor landing along with the landing at the 1st floor level extends to the east edge of the building. This rise and run of the stairs (based on code) require this length. The landing at the 1st floor level with stairs going to ground level serves both the 1st floor and 2nd floor occupants.

Evidence that the requested variance will not have a negative impact

The requested variance should have no impact on either side neighbor as the previous stairway had the same footprint with respect to the variance issue. The previously enclosed porch for the first floor occupants will now be an open landing with railings.

J-5



RECEIVED JUL 22 2013

North Arrow Required

SITE PLAN

Do Not Use Pencil

Site Address:

1010 E 6TH ST.
DULUTH MN 55805

Owner's Name:

MARLISS WESTENFELD

Plat / Parcel No.

010-3850-00340

This Site Plan is an accurate and complete representation of the footprint(s) of

Grid is 4 squares per inch

Scale: 1" = 20 Feet